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13 CITY OF LOMPOC and ALEXANDER
14 JUSTICE

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

17 JEFFREY AMADOR, VERONICA
18 BENNETT, individually and as
19 successors-in-interest to Connor
20 Amador, deceased,

21 Plaintiffs,

22 vs.

23 CITY OF LOMPOC; ALEXANDER
24 JUSTICE; DOES 1-10, inclusive,

25 Defendants.

26 Case No. 2:25-cv-00167-FMO-SSC

27 **DEFENDANTS' ANSWER TO
28 PLAINTIFFS' COMPLAINT FOR
DAMAGES; JURY TRIAL
DEMANDED**

Judge: Hon. Fernando M. Olguin

Complaint Filed: 01/07/2025
Trial Date: None Set

19 Defendants CITY OF LOMPOC ("City") and OFFICER ALEXANDER
20 JUSTICE (collectively "Defendants") hereby answer the Complaint of Plaintiffs
21 JEFFREY AMADOR and VERONICA BENNETT ("Plaintiffs") filed on January 7,
22 2025 (Dkt. 1; hereinafter referred to as the "Complaint"). If an averment is not
23 specifically admitted, it is hereby denied. Defendants hereby admit, deny, and allege
24 as follows:

25 1. Answering paragraph 1 of the Complaint, under the header
26 "Jurisdiction and Venue": Defendants admit this Court has jurisdiction. As to the
27 remaining allegations of this paragraph, at present, defendants do not have sufficient

1 knowledge, or information or belief, to enable defendants to answer the remaining
2 allegations contained within such paragraph, as stated, and on those grounds deny
3 generally and specifically each and every of the remaining allegations contained
4 therein – and defendants deny all liability and/or wrongdoing.

5 2. Answering paragraph 2 of the Complaint, under the header
6 "Jurisdiction and Venue": Defendants admit venue is proper in this Court. As to the
7 remaining allegations of this paragraph, at present, defendants do not have sufficient
8 knowledge, or information or belief, to enable defendants to answer the remaining
9 allegations contained within such paragraph, as stated, and on those grounds deny
10 generally and specifically each and every of the remaining allegations contained
11 therein – and defendants deny all liability and/or wrongdoing.

12 3. Answering paragraph 3 of the Complaint, under the header
13 "Introduction": Defendants do not have sufficient knowledge, or information or
14 belief, to enable defendants to answer the allegations contained within such
15 paragraph, as stated, and on those grounds deny generally and specifically each and
16 every of the allegations contained therein – and Defendants deny all liability and/or
17 wrongdoing.

18 4. Answering paragraph 4 of the Complaint, under the header "Parties":
19 Defendants do not have sufficient knowledge, or information or belief, to enable
20 defendants to answer the allegations contained within such paragraph, as stated, and
21 on those grounds deny generally and specifically each and every of the allegations
22 contained therein – and Defendants deny all liability and/or wrongdoing.

23 5. Answering paragraph 5 of the Complaint, under the header "Parties":
24 Defendants do not have sufficient knowledge, or information or belief, to enable
25 defendants to answer the allegations contained within such paragraph, as stated, and
26 on those grounds deny generally and specifically each and every of the allegations
27 contained therein – and Defendants deny all liability and/or wrongdoing.

28 6. Answering paragraph 6 of the Complaint, under the header "Parties":

1 Defendants do not have sufficient knowledge, or information or belief, to enable
2 defendants to answer the allegations contained within such paragraph, as stated, and
3 on those grounds deny generally and specifically each and every of the allegations
4 contained therein – and Defendants deny all liability and/or wrongdoing.

5 7. Answering paragraph 7 of the Complaint, under the header "Parties":
6 Defendants admit that defendant City is a public entity organized under the laws of
7 the State of California and that one of the constituent agencies operated by the City
8 is the law enforcement agency known as the Lompoc Police Department (or
9 "LPD"). As to the remaining allegations of this paragraph, at present, defendants do
10 not have sufficient knowledge, or information or belief, to enable defendants to
11 answer the remaining allegations contained within such paragraph, as stated, and on
12 those grounds deny generally and specifically each and every of the remaining
13 allegations contained therein – and defendants deny all liability and/or wrongdoing.

14 8. Answering paragraph 8 of the Complaint, under the header "Parties":
15 Defendants do not have sufficient knowledge, or information or belief, to enable
16 defendants to answer the allegations contained within such paragraph, as stated, and
17 on those grounds deny generally and specifically each and every of the allegations
18 contained therein – and Defendants deny all liability and/or wrongdoing.

19 9. Answering paragraph 9 of the Complaint, under the header "Parties":
20 Defendants do not have sufficient knowledge, or information or belief, to enable
21 defendants to answer the allegations contained within such paragraph, as stated, and
22 on those grounds deny generally and specifically each and every of the allegations
23 contained therein – and Defendants deny all liability and/or wrongdoing.

24 10. Answering paragraph 10 of the Complaint, under the header "Parties":
25 Defendants do not have sufficient knowledge, or information or belief, to enable
26 defendants to answer the allegations contained within such paragraph, as stated, and
27 on those grounds deny generally and specifically each and every of the allegations
28 contained therein – and Defendants deny all liability and/or wrongdoing.

1 11. Answering paragraph 11 of the Complaint, under the header "Parties":
2 Defendants do not have sufficient knowledge, or information or belief, to enable
3 defendants to answer the allegations contained within such paragraph, as stated, and
4 on those grounds deny generally and specifically each and every of the allegations
5 contained therein – and Defendants deny all liability and/or wrongdoing.

6 12. Answering paragraph 12 of the Complaint, under the header "Parties":
7 Defendants do not have sufficient knowledge, or information or belief, to enable
8 defendants to answer the allegations contained within such paragraph, as stated, and
9 on those grounds deny generally and specifically each and every of the allegations
10 contained therein – and Defendants deny all liability and/or wrongdoing.

11 13. Answering paragraph 13 of the Complaint, under the header "Parties":
12 Defendants do not have sufficient knowledge, or information or belief, to enable
13 defendants to answer the allegations contained within such paragraph, as stated, and
14 on those grounds deny generally and specifically each and every of the allegations
15 contained therein – and Defendants deny all liability and/or wrongdoing.

16 14. Answering paragraph 14 of the Complaint, under the header "Parties":
17 Defendants do not have sufficient knowledge, or information or belief, to enable
18 defendants to answer the allegations contained within such paragraph, as stated, and
19 on those grounds deny generally and specifically each and every of the allegations
20 contained therein – and Defendants deny all liability and/or wrongdoing.

21 15. Answering paragraph 15 of the Complaint, under the header "Parties":
22 Defendants do not have sufficient knowledge, or information or belief, to enable
23 defendants to answer the allegations contained within such paragraph, as stated, and
24 on those grounds deny generally and specifically each and every of the allegations
25 contained therein – and Defendants deny all liability and/or wrongdoing.

26 16. Answering paragraph 16 of the Complaint, under the header "Facts
27 Common To All Claims For Relief": Whereby plaintiffs incorporate by reference
28 plaintiffs' prior allegations, defendants repeat, reiterate and re-allege all of the

1 admissions and denials contained in the foregoing Answer which are set forth to
2 each and every allegation contained in paragraphs 1 through 15, inclusive, of
3 plaintiffs' Complaint.

4 17. Answering paragraph 17 of the Complaint, under the header "Facts
5 Commons To All Claims For Relief": Defendants do not have sufficient knowledge,
6 or information or belief, to enable defendants to answer the allegations contained
7 within such paragraph, as stated, and on those grounds deny generally and
8 specifically each and every of the allegations contained therein – and Defendants
9 deny all liability and/or wrongdoing.

10 18. Answering paragraph 18 of the Complaint, under the header "Facts
11 Commons To All Claims For Relief": Defendants do not have sufficient knowledge,
12 or information or belief, to enable defendants to answer the allegations contained
13 within such paragraph, as stated, and on those grounds deny generally and
14 specifically each and every of the allegations contained therein – and Defendants
15 deny all liability and/or wrongdoing.

16 19. Answering paragraph 19 of the Complaint, under the header "Facts
17 Commons To All Claims For Relief": Defendants do not have sufficient knowledge,
18 or information or belief, to enable defendants to answer the allegations contained
19 within such paragraph, as stated, and on those grounds deny generally and
20 specifically each and every of the allegations contained therein – and Defendants
21 deny all liability and/or wrongdoing.

22 20. Answering paragraph 20 of the Complaint, under the header "Facts
23 Commons To All Claims For Relief": Defendants do not have sufficient knowledge,
24 or information or belief, to enable defendants to answer the allegations contained
25 within such paragraph, as stated, and on those grounds deny generally and
26 specifically each and every of the allegations contained therein – and Defendants
27 deny all liability and/or wrongdoing.

28 21. Answering paragraph 21 of the Complaint, under the header "Facts

1 Commons To All Claims For Relief": Defendants do not have sufficient knowledge,
2 or information or belief, to enable defendants to answer the allegations contained
3 within such paragraph, as stated, and on those grounds deny generally and
4 specifically each and every of the allegations contained therein – and Defendants
5 deny all liability and/or wrongdoing.

6 22. Answering paragraph 22 of the Complaint, under the header "Facts
7 Commons To All Claims For Relief": Defendants do not have sufficient knowledge,
8 or information or belief, to enable defendants to answer the allegations contained
9 within such paragraph, as stated, and on those grounds deny generally and
10 specifically each and every of the allegations contained therein – and Defendants
11 deny all liability and/or wrongdoing.

12 23. Answering paragraph 23 of the Complaint, under the header "Facts
13 Commons To All Claims For Relief": Defendants do not have sufficient knowledge,
14 or information or belief, to enable defendants to answer the allegations contained
15 within such paragraph, as stated, and on those grounds deny generally and
16 specifically each and every of the allegations contained therein – and Defendants
17 deny all liability and/or wrongdoing.

18 24. Answering paragraph 24 of the Complaint, under the header "Facts
19 Commons To All Claims For Relief": Defendants do not have sufficient knowledge,
20 or information or belief, to enable defendants to answer the allegations contained
21 within such paragraph, as stated, and on those grounds deny generally and
22 specifically each and every of the allegations contained therein – and Defendants
23 deny all liability and/or wrongdoing.

24 25. Answering paragraph 25 of the Complaint, under the header "First
25 Claim For Relief": Whereby plaintiffs incorporate by reference plaintiffs' prior
26 allegations, defendants repeat, reiterate and re-allege all of the admissions and
27 denials contained in the foregoing Answer which are set forth to each and every
28 allegation contained in paragraphs 1 through 24, inclusive, of plaintiffs' Complaint.

1 26. Answering paragraph 26 of the Complaint, under the header "First
2 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
3 paragraph 26 contains legal conclusions and argument as to which no response is
4 required.

5 27. Answering paragraph 27 of the Complaint, under the header "First
6 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
7 paragraph 27 contains legal conclusions and argument as to which no response is
8 required.

9 28. Answering paragraph 28 of the Complaint, under the header "First
10 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
11 paragraph 28 contains legal conclusions and argument as to which no response is
12 required.

13 29. Answering paragraph 29 of the Complaint, under the header "First
14 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
15 paragraph 29 contains legal conclusions and argument as to which no response is
16 required.

17 30. Answering paragraph 30 of the Complaint, under the header "First
18 Claim For Relief": Defendants do not have sufficient knowledge, or information or
19 belief, to enable defendants to answer the allegations contained within such
20 paragraph, as stated, and on those grounds deny generally and specifically each and
21 every of the allegations contained therein – and Defendants deny all liability and/or
22 wrongdoing.

23 31. Answering paragraph 31 of the Complaint, under the header "Second
24 Claim For Relief": Whereby plaintiffs incorporate by reference plaintiffs' prior
25 allegations, defendants repeat, reiterate and re-allege all of the admissions and
26 denials contained in the foregoing Answer which are set forth to each and every
27 allegation contained in paragraphs 1 through 30, inclusive, of plaintiffs' Complaint.

28 32. Answering paragraph 32 of the Complaint, under the header "Second

1 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
2 paragraph 32 contains legal conclusions and argument as to which no response is
3 required.

4 33. Answering paragraph 33 of the Complaint, under the header "Second
5 Claim For Relief": Defendants do not have sufficient knowledge, or information or
6 belief, to enable defendants to answer the allegations contained within such
7 paragraph, as stated, and on those grounds deny generally and specifically each and
8 every of the allegations contained therein – and Defendants deny all liability and/or
9 wrongdoing.

10 34. Answering paragraph 34 of the Complaint, under the header "Second
11 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
12 paragraph 34 contains legal conclusions and argument as to which no response is
13 required.

14 35. Answering paragraph 35 of the Complaint, under the header "Second
15 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
16 paragraph 35 contains legal conclusions and argument as to which no response is
17 required.

18 36. Answering paragraph 36 of the Complaint, under the header "Second
19 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
20 paragraph 36 contains legal conclusions and argument as to which no response is
21 required.

22 37. Answering paragraph 37 of the Complaint, under the header "Second
23 Claim For Relief": Defendants do not have sufficient knowledge, or information or
24 belief, to enable defendants to answer the allegations contained within such
25 paragraph, as stated, and on those grounds deny generally and specifically each and
26 every of the allegations contained therein – and Defendants deny all liability and/or
27 wrongdoing.

28 38. Answering paragraph 38 of the Complaint, under the header "Third

1 Claim For Relief": Whereby plaintiffs incorporate by reference plaintiffs' prior
2 allegations, defendants repeat, reiterate and re-allege all of the admissions and
3 denials contained in the foregoing Answer which are set forth to each and every
4 allegation contained in paragraphs 1 through 37, inclusive, of plaintiffs' Complaint.

5 39. Answering paragraph 39 of the Complaint, under the header "Third
6 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
7 paragraph 39 contains legal conclusions and argument as to which no response is
8 required.

9 40. Answering paragraph 40 of the Complaint, under the header "Third
10 Claim For Relief": Defendants do not have sufficient knowledge, or information or
11 belief, to enable defendants to answer the allegations contained within such
12 paragraph, as stated, and on those grounds deny generally and specifically each and
13 every of the allegations contained therein – and Defendants deny all liability and/or
14 wrongdoing.

15 41. Answering paragraph 41 of the Complaint, under the header "Third
16 Claim For Relief": Defendants do not have sufficient knowledge, or information or
17 belief, to enable defendants to answer the allegations contained within such
18 paragraph, as stated, and on those grounds deny generally and specifically each and
19 every of the allegations contained therein – and Defendants deny all liability and/or
20 wrongdoing.

21 42. Answering paragraph 42 of the Complaint, under the header "Third
22 Claim For Relief": Defendants do not have sufficient knowledge, or information or
23 belief, to enable defendants to answer the allegations contained within such
24 paragraph, as stated, and on those grounds deny generally and specifically each and
25 every of the allegations contained therein – and Defendants deny all liability and/or
26 wrongdoing.

27 43. Answering paragraph 43 of the Complaint, under the header "Third
28 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,

1 paragraph 43 contains legal conclusions and argument as to which no response is
2 required.

3 44. Answering paragraph 44 of the Complaint, under the header "Third
4 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
5 paragraph 44 contains legal conclusions and argument as to which no response is
6 required.

7 45. Answering paragraph 45 of the Complaint, under the header "Third
8 Claim For Relief": Defendants do not have sufficient knowledge, or information or
9 belief, to enable defendants to answer the allegations contained within such
10 paragraph, as stated, and on those grounds deny generally and specifically each and
11 every of the allegations contained therein – and Defendants deny all liability and/or
12 wrongdoing.

13 46. Answering paragraph 46 of the Complaint, under the header "Fourth
14 Claim For Relief": Whereby plaintiffs incorporate by reference plaintiffs' prior
15 allegations, defendants repeat, reiterate and re-allege all of the admissions and
16 denials contained in the foregoing Answer which are set forth to each and every
17 allegation contained in paragraphs 1 through 45, inclusive, of plaintiffs' Complaint.

18 47. Answering paragraph 47 of the Complaint, under the header "Fourth
19 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
20 paragraph 47 contains legal conclusions and argument as to which no response is
21 required.

22 48. Answering paragraph 48 of the Complaint, under the header "Fourth
23 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
24 paragraph 48 contains legal conclusions and argument as to which no response is
25 required.

26 49. Answering paragraph 49 of the Complaint, under the header "Fourth
27 Claim For Relief": Defendants do not have sufficient knowledge, or information or
28 belief, to enable defendants to answer the allegations contained within such

1 paragraph, as stated, and on those grounds deny generally and specifically each and
2 every of the allegations contained therein – and Defendants deny all liability and/or
3 wrongdoing.

4 50. Answering paragraph 50 of the Complaint, under the header "Fourth
5 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
6 paragraph 50 contains legal conclusions and argument as to which no response is
7 required.

8 51. Answering paragraph 51 of the Complaint, under the header "Fourth
9 Claim For Relief": Defendants do not have sufficient knowledge, or information or
10 belief, to enable defendants to answer the allegations contained within such
11 paragraph, as stated, and on those grounds deny generally and specifically each and
12 every of the allegations contained therein – and Defendants deny all liability and/or
13 wrongdoing.

14 52. Answering paragraph 52 of the Complaint, under the header "Fourth
15 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
16 paragraph 52 contains legal conclusions and argument as to which no response is
17 required.

18 53. Answering paragraph 53 of the Complaint, under the header "Fourth
19 Claim For Relief": Defendants do not have sufficient knowledge, or information or
20 belief, to enable defendants to answer the allegations contained within such
21 paragraph, as stated, and on those grounds deny generally and specifically each and
22 every of the allegations contained therein – and Defendants deny all liability and/or
23 wrongdoing.

24 54. Answering paragraph 54 of the Complaint, under the header "Fifth
25 Claim For Relief": Whereby plaintiffs incorporate by reference plaintiffs' prior
26 allegations, defendants repeat, reiterate and re-allege all of the admissions and
27 denials contained in the foregoing Answer which are set forth to each and every
28 allegation contained in paragraphs 1 through 53, inclusive, of plaintiffs' Complaint.

1 55. Answering paragraph 55 of the Complaint, under the header "Fifth
2 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
3 paragraph 55 contains legal conclusions and argument as to which no response is
4 required.

5 56. Answering paragraph 56 of the Complaint, under the header "Fifth
6 Claim For Relief": Defendants do not have sufficient knowledge, or information or
7 belief, to enable defendants to answer the allegations contained within such
8 paragraph, as stated, and on those grounds deny generally and specifically each and
9 every of the allegations contained therein – and Defendants deny all liability and/or
10 wrongdoing.

11 57. Answering paragraph 57 of the Complaint, under the header "Fifth
12 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
13 paragraph 57 contains legal conclusions and argument as to which no response is
14 required.

15 58. Answering paragraph 58 of the Complaint, under the header "Fifth
16 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
17 paragraph 58 contains legal conclusions and argument as to which no response is
18 required.

19 59. Answering paragraph 59 of the Complaint, under the header "Fifth
20 Claim For Relief": Defendants do not have sufficient knowledge, or information or
21 belief, to enable defendants to answer the allegations contained within such
22 paragraph, as stated, and on those grounds deny generally and specifically each and
23 every of the allegations contained therein – and Defendants deny all liability and/or
24 wrongdoing.

25 60. Answering paragraph 60 of the Complaint, under the header "Sixth
26 Claim For Relief": Whereby plaintiffs incorporate by reference plaintiffs' prior
27 allegations, defendants repeat, reiterate and re-allege all of the admissions and
28 denials contained in the foregoing Answer which are set forth to each and every

1 allegation contained in paragraphs 1 through 59, inclusive, of plaintiffs' Complaint.

2 61. Answering paragraph 61 of the Complaint, under the header "Sixth
3 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
4 paragraph 61 contains legal conclusions and argument as to which no response is
5 required.

6 62. Answering paragraph 62 of the Complaint, under the header "Sixth
7 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
8 paragraph 62 contains legal conclusions and argument as to which no response is
9 required.

10 63. Answering paragraph 63 of the Complaint, under the header "Sixth
11 Claim For Relief": Defendants do not have sufficient knowledge, or information or
12 belief, to enable defendants to answer the allegations contained within such
13 paragraph, as stated, and on those grounds deny generally and specifically each and
14 every of the allegations contained therein – and Defendants deny all liability and/or
15 wrongdoing.

16 64. Answering paragraph 64 of the Complaint, under the header "Sixth
17 Claim For Relief": Defendants deny all of the allegations of this paragraph. Further,
18 paragraph 64 contains legal conclusions and argument as to which no response is
19 required.

20 65. Answering paragraph 65 of the Complaint, under the header "Sixth
21 Claim For Relief": Defendants do not have sufficient knowledge, or information or
22 belief, to enable defendants to answer the allegations contained within such
23 paragraph, as stated, and on those grounds deny generally and specifically each and
24 every of the allegations contained therein – and Defendants deny all liability and/or
25 wrongdoing.

26 66. Answering paragraph 66 of the Complaint, under the header "Ninth
27 [*sic] Claim For Relief": Whereby plaintiffs incorporate by reference plaintiffs'
28 prior allegations, defendants repeat, reiterate and re-allege all of the admissions and

1 denials contained in the foregoing Answer which are set forth to each and every
2 allegation contained in paragraphs 1 through 65, inclusive, of plaintiffs' Complaint.

3 67. Answering paragraph 67 of the Complaint, under the header "Ninth
4 [*sic] Claim For Relief": Paragraph 67 contains legal conclusions and argument as
5 to which no response is required.

6 68. Answering paragraph 68 of the Complaint, under the header "Ninth
7 [*sic] Claim For Relief": Defendants do not have sufficient knowledge, or
8 information or belief, to enable defendants to answer the allegations contained
9 within such paragraph, as stated, and on those grounds deny generally and
10 specifically each and every of the allegations contained therein – and Defendants
11 deny all liability and/or wrongdoing.

12 69. Answering paragraph 69 of the Complaint, under the header "Ninth
13 [*sic] Claim For Relief": Defendants do not have sufficient knowledge, or
14 information or belief, to enable defendants to answer the allegations contained
15 within such paragraph, as stated, and on those grounds deny generally and
16 specifically each and every of the allegations contained therein – and Defendants
17 deny all liability and/or wrongdoing.

18 70. Answering paragraph 70 of the Complaint, under the header "Ninth
19 [*sic] Claim For Relief": Defendants deny all of the allegations of this paragraph.
20 Further, paragraph 70 contains legal conclusions and argument as to which no
21 response is required.

22 71. Answering paragraph 71 of the Complaint, under the header "Ninth
23 [*sic] Claim For Relief": Defendants do not have sufficient knowledge, or
24 information or belief, to enable defendants to answer the allegations contained
25 within such paragraph, as stated, and on those grounds deny generally and
26 specifically each and every of the allegations contained therein – and Defendants
27 deny all liability and/or wrongdoing.

28 72. Answering paragraph 72 of the Complaint, under the header "Ninth

1 [*sic] Claim For Relief": Defendants deny all of the allegations of this paragraph.
2 Further, paragraph 72 contains legal conclusions and argument as to which no
3 response is required.

4 73. Answering paragraph 73 of the Complaint, under the header "Ninth
5 [*sic] Claim For Relief": Defendants deny all of the allegations of this paragraph.
6 Further, paragraph 73 contains legal conclusions and argument as to which no
7 response is required.

8 74. Answering paragraph 74 of the Complaint, under the header "Ninth
9 [*sic] Claim For Relief": Defendants deny all of the allegations of this paragraph.
10 Further, paragraph 74 contains legal conclusions and argument as to which no
11 response is required.

12 75. Answering paragraph 75 of the Complaint, under the header "Ninth
13 [*sic] Claim For Relief": Defendants deny all of the allegations of this paragraph.
14 Further, paragraph 75 contains legal conclusions and argument as to which no
15 response is required.

16 76. Answering paragraph 76 of the Complaint, under the header "Ninth
17 [*sic] Claim For Relief": Defendants deny all of the allegations of this paragraph.
18 Further, paragraph 76 contains legal conclusions and argument as to which no
19 response is required.

20 77. Answering paragraph 77 of the Complaint, under the header "Ninth
21 [*sic] Claim For Relief": Defendants do not have sufficient knowledge, or
22 information or belief, to enable defendants to answer the allegations contained
23 within such paragraph, as stated, and on those grounds deny generally and
24 specifically each and every of the allegations contained therein – and Defendants
25 deny all liability and/or wrongdoing.

26 78. Answering plaintiffs' Prayer for Damages, defendants deny all liability
27 to plaintiffs, including but not limited to all liability for any damages (general,
28 special, exemplary or otherwise), penalties, fees, or costs of any kind, or for any

1 relief of any kind from any of the Defendants to any of the plaintiffs.

2 79. To the extent plaintiffs assert any other claims or contentions not
3 specifically addressed herein above, defendants generally and specifically deny each
4 and every of the remaining allegations and/or claims.

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AFFIRMATIVE DEFENSES

1. As separate and affirmative defenses, defendants allege as follows¹:

FIRST AFFIRMATIVE DEFENSE

(Statute of Limitations)

2. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

3. Plaintiffs' Complaint also fails to state a claim against any defendant in this action.

9 4. Plaintiffs' and/or decedent's claims are time-barred by the operative
10 statute(s) of limitations (including, but not limited to, California Code of Civil
11 Procedure § 335.1).

SECOND AFFIRMATIVE DEFENSE

(Tort Claims Act Violation)

14 5. This action is barred by the Plaintiffs' failure to comply with the
15 government tort claims presentation requirements, California Government Code §
16 900, *et seq.*, including but not limited to §§ 900, 900.4, 901, 905, 905.2, 910, 911,
17 911.2, 911.4, 945.4, 945.6, 946.6, 950.2, and 950.6, to the extent applicable.

18 6. The Complaint is barred based on plaintiffs' failure to exhaust
19 administrative remedies prior to filing this lawsuit.

20 7. Plaintiffs' recovery is barred for failure to timely comply with the
21 provisions of the claims statutes, including, but not limited to California
22 Government Code §§ 901, 905, 905.2, 911.2, 945.4, 945.6, 950.2.

23 8. Plaintiffs' recovery is barred because the causes of action stated in the
24 complaint do not correspond with the legal claims asserted in plaintiffs' written
25 claim. The Complaint thereby alleges legal bases for recovery which are not fairly

¹ For purposes of the affirmative defenses, affirmative defenses that reference “plaintiffs” shall also be construed to apply, wherever feasible, to plaintiffs’ decedent.

1 reflected in the written claim.

2 **THIRD AFFIRMATIVE DEFENSE**

3 **(Waiver, Estoppel, Unclean Hands)**

4 9. Defendants allege that plaintiffs' action is barred by reason of conduct,
5 actions and inactions of plaintiffs which amount to and constitute a waiver of any
6 right plaintiffs may or might have had in reference to the matters and things alleged
7 in the Complaint, or that otherwise estop plaintiffs from recovery in this action,
8 including but not limited to the doctrine of unclean hands.

9 **FOURTH AFFIRMATIVE DEFENSE**

10 **(Failure to Mitigate Damages)**

11 10. Plaintiffs' claims are barred or limited to the extent plaintiffs failed to
12 mitigate plaintiffs' injuries or damages, if there were any. Plaintiffs have failed to
13 mitigate the damages, if any, which plaintiffs have sustained, and to exercise
14 reasonable care to avoid the consequences of harms, if any, in that, among other
15 things, plaintiffs have failed to use reasonable diligence in caring for any injuries,
16 failed to use reasonable means to prevent aggravation of any injuries and failed to
17 take reasonable precautions to reduce any injuries and damages.

18 **FIFTH AFFIRMATIVE DEFENSE**

19 **(Contributory and/or Comparative Liability)**

20 11. Plaintiffs' claims are barred or limited by plaintiffs' and/or decedent's
21 contributory/comparative negligence or other conduct, acts, or omissions, and to the
22 extent any plaintiffs suffered any injury or damages, it was the result of plaintiffs'
23 and/or decedent's own negligent or deliberate actions or omissions.

24 12. Plaintiffs' recovery is barred because any injury or damage suffered by
25 plaintiffs' decedent and/or to plaintiffs was caused solely by reason of the plaintiffs'
26 decedent's wrongful acts and conduct and the willful resistance to a peace officer in
27 the discharge their duties. The conduct set forth in the Complaint, if and to the
28 extent it occurred, was privileged and justified and done with a good faith belief that

1 it was correct and no action may be taken against the answering defendants on
2 account of such conduct.

3 **SIXTH AFFIRMATIVE DEFENSE**

4 **(Public Entity/Employee Immunity for Others' Torts)**

5 13. Plaintiffs' recovery is barred because public entities and employees are
6 immune from liability for any injury caused by the act or omission of another
7 person. Gov. Code §§ 815 *et seq.*, 820.2 *et seq.*

8 14. The answering defendants are informed and believe and thereon allege
9 that if plaintiffs sustained any injury or damages, such injury or damages were
10 solely caused or contributed to by the wrongful conduct of other defendants and/or
11 entities or persons other than the answering defendant. To the extent that plaintiffs'
12 damages were so caused, any recovery by plaintiffs as against the answering
13 defendant should be subject to proportionately comparative equitable
14 indemnity/contribution from such third parties.

15 **SEVENTH AFFIRMATIVE DEFENSE**

16 **(Public Entity/Employee Immunity for Discretionary Acts)**

17 15. There is no liability for any injury or damages, if any there were,
18 resulting from an exercise of discretion vested in a public employee, whether or not
19 such discretion be abused. Gov. Code § 815.2, 820.2, 820.4, 820.8, 820 *et seq.*

20 16. Plaintiffs' recovery is barred because public entities and employees are
21 immune from liability for discharging their mandatory duties with reasonable
22 diligence.

23 17. A public employee may not be held liable for injuries or damages, if
24 any, caused by failure to adopt or by adoption of an enactment or by failure to
25 enforce an enactment and/or law, for an injury caused by his issuance, denial,
26 suspension or revocation or by his failure or refusal to issue, deny, suspend or
27 revoke, any permit, license, certificate, approval, order, or similar authorization,
28 where he is authorized by enactment to determine whether or not such authorization

1 should be issued, denied, suspended or revoked, pursuant to Government Code §§
2 818.2, 818.4, 818.8, 821 and 821.2. Based thereon, each of the answering
3 defendants are immune from liability for any injuries claimed by plaintiffs, herein.

4 18. This/these defendant(s) are immune for any detriment resulting from
5 any of its actions or omissions at the time of the incident of which plaintiff
6 complains pursuant to Government Code § 810 *et seq.*, 815 *et seq.*, 820 *et seq.*, and
7 845 *et seq.*, including, but not limited to, §§ 810, 810.2, 810.4, 810.6, 810.8, 811,
8 811.2, 811.4, 811.6, 811.8, 820.6, 820.8, 821, 821.2, 821.4, 821.6, 821.8, 822.2,
9 830.5, 830.6, 835.4, 844.6, and Government Code §§ 854, *et seq.*, including, but not
10 limited to, §§ 845.6, 854.6, 854.8(a)(2), and §§ 855.4, 855.6, 855.8 and 856.4.

EIGHTH AFFIRMATIVE DEFENSE

(Public Entity Immunity)

13 19. To the extent that the Complaint attempts to predicate liability upon
14 any public entity defendants or any employees thereof for purported negligence in
15 retention, hiring, employment, training, or supervision of any public employee, such
16 liability is barred by Government Code sections 815.2 and 820.2 and *Herndon v.*
17 *County of Marin* (1972) 25 Cal. App. 3d 933, 935, 936, *rev'd on other grounds by*
18 *Sullivan v. County of Los Angeles* (1974) 12 Cal.3d 710; and by the lack of any duty
19 running to any plaintiffs; by the fact that any such purported act or omission is
20 governed exclusively by statute and is outside the purview of any public employees'
21 authority; and by the failure of any such acts or omissions to be the proximate or
22 legal cause of any injury alleged in the Complaint. *See de Villers v. County of San*
23 *Diego*, 156 Cal.App.4th 238, 251-253, 255-256 (2007).

24 20. These defendants may not be held liable on a *respondeat superior*
25 theory for any negligent or wrongful act or omission on the part of any subordinate.
26 Cal. Government Code §§ 844.6, 845.6; Cal. Civil Code § 2351; *Malloy v. Fong*
27 (1951) 37 Cal.2d 356, 378-379; *Monell v. Department of Social Services of the City*
28 *of New York* (1978) 436 U.S. 658; *Larez v. City of Los Angeles* (9th Cir. 1991) 946

1 F.2d 630, 645-646; *cf. City of Canton v. Harris*, 489 U.S. 378, 388-389 (1989); *City*
2 *of Los Angeles v. Heller*, 475 U.S. 796 (1986).

3 **NINTH AFFIRMATIVE DEFENSE**

4 **(Qualified Immunity & Good Faith Immunity)**

5 21. Defendants and their agents or officers at all times relevant to this
6 action acted reasonably and prudently under the circumstances. Defendants
7 therefore assert the individual defendants' Qualified Immunity from liability to the
8 fullest extent applicable.

9 22. Defendant(s) is/are immune from liability under the Federal Civil
10 Rights Act because they acted in good faith with an honest and reasonable belief
11 that their actions were necessary and appropriate. Defendant(s) is/are immune from
12 liability under the Federal Civil Rights Act because a reasonable police officer could
13 believe that their acts and conduct were appropriate. Defendant(s) is/are immune
14 from liability under the Federal Civil Rights Act because their conduct did not
15 violate clearly established rights. Defendant(s) is/are also immune from liability
16 under the doctrine of Qualified Immunity.

17 23. At all relevant times, defendants acted within the scope of discretion,
18 with due care, and good faith fulfillment of responsibilities pursuant to applicable
19 statutes, rules and regulation, within the bounds of reason, and with the good faith
20 belief that their actions comported with all applicable federal and state laws.

21 *Harlow v. Fitzgerald* (1982) 457 U.S. 800; Cal Gov. Code §§ 815.2 and 820.2.

22 **TENTH AFFIRMATIVE DEFENSE**

23 **(Assumption of Risk)**

24 24. At the time and place referred to in the Complaint for Damages, and
25 before such event, plaintiffs' decedent knew, appreciated, and understood each and
26 every risk involved in placing himself in the position which plaintiff then assumed,
27 and willingly, knowingly and voluntarily assumed each of such risks, including, but
28 not limited to, the risk of suffering personal bodily injury, lawful deprivation of

1 right(s), or death.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, the answering Defendants pray as follows:

4 1. That Plaintiffs take nothing by this action;

5 2. That Defendants be awarded attorneys' fees and costs of this suit and costs of

6 proof; and

7 3. That Defendants be awarded such other relief as the Court deems just.

8

9

10 DATED: March 3, 2025

LEWIS BRISBOIS BISGAARD & SMITH LLP

11

12

13 By:

Tori L.N. Bakken

14 TONY M. SAIN
15 TORI L.N. BAKKEN
16 Attorneys for Defendants,
17 CITY OF LOMPOC and ALEXANDER
18 JUSTICE

FEDERAL COURT PROOF OF SERVICE
Jeffrey Amador, et al v. City of Lompoc, et al.
Case No. 2:25-cv-00167-FMO-SSC

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 633 West 5th Street, Suite 4000, Los Angeles, CA 90071. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On March 3, 2025, I served the following document(s): **DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT FOR DAMAGES; JURY TRIAL DEMANDED**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Law Officers of Dale K. Galipo
Dale K. Galipo (Bar No. 144074)
dalekgalipo@yahoo.com
21800 Burbank Blvd., Suite 310
Woodland Hills, CA 91367
T: (818) 347-3333

ATTORNEY FOR PLAINTIFFS

The documents were served by the following means:

(BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on March 3, 2025, at Los Angeles, California.

/s/ Curfew F. Wilson

Curfew F. Wilson